

## REMARKS

This submission is in response to the Office Action, dated March 1, a response to which is due on June 1, 2006, and the Interview Summary dated May 1, 2006. As this response is being filed within the three-month shortened statutory period of time set for response, no extension of time is necessary.

Applicant wishes to thank the Examiner for the courtesies extended in the telephone interview conducted on April 28, 2006. In that Interview, the Examiner indicated that agreement was reached regarding claim language that would be free of the prior art.

Favorable consideration is respectfully requested in view of the Amendments and following Remarks.

### **I. STATUS OF THE CLAIMS:**

Claims 1-6 and 8-24 and 40-45 are pending. In the Office Action dated October 27, 2005, the Examiner made final the restriction requirement and withdrew claims 25-39 from consideration as being directed to nonelected inventions. Claims 25-39 are now canceled. Applicant expressly reserves his right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application.

The Examiner also withdrew claims 16-18 and 42-44 from consideration as being directed to nonelected species. Applicant respectfully requests that claims 16-18 and 42-44 be rejoined and examined upon allowance of the claims with respect to the elected invention.

Claims 1 and 45 have been amended. Claim 1 has been amended as suggested by the Examiner in the Interview Summary dated May 1, 2006. Support for this amendment is found at page 15, lines 13-18 of the instant specification. Claim 45 has been amended to recite ranges that are consistent with amended claim 1. Support for this amendment is found at page 25, lines 15-16.

New claim 46 has been added. Support for the new claim is found, *inter alia*, in the original claims as filed. In the Interview Summary, the Examiner indicated that a restriction would be required between any application containing claims 1-6, 8-15, 40, 41 and 45 and claims 46-66 (of which only claim 46 is now presented). Applicant respectfully requests that a

restriction requirement be issued, or alternatively, that the Examiner indicate that claim 46 will be examined along with pending claims 1-6, 8-24 and 40-45.

Accordingly, upon entry of this amendment, claims 1-6, 8-24 and 40-46 are pending. No new matter has been introduced by way of these amendments and new claims.

**II. RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 112, first paragraph**

The Examiner rejected claims 1-6, 8-15, 19-24, 40, 41 and 45 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. The Examiner alleged that no support can be found for excluding 50% humidity and above.

In response, Applicant respectfully submits this rejection is now moot in view of the amendments in the claims. However, Applicant respectfully points out that claim 31 as filed recites that “the defined relative humidity is less than 50%,” and thus clear written description support was provided for excluding 50% humidity and above, and therefore this rejection would have been overcome without surrendering further claim scope.

**III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-6, 8-15, 19, 23, 24, 40, 41 and 45 under 35 U.S.C. § 103 as being unpatentable over Abbott (U.S. Patent No. 4,298,500), Cabrera (U.S. Patent No. 5,104,547), Neue (U.S. Patent No. 5,374,755), Nau (U.S. Patent No. 6,071,410), Liu (U.S. Patent No. 6,645,378) and Huang ((2002) *Anal. Sci.* 18, 69-72) in view of Karger (U.S. Patent No. 4,996,343) and Fairbank ((1999) *J. Chromatog.* 830, 285-291), and further in view of Kirkland (U.S. Patent No. 5,869,724) and Ng (U.S. Patent No. 6,296,768), reiterating the rejections of record in the Office Action dated October 27, 2005.

In response, the claims have been amended as suggested by the Examiner purely to expedite prosecution and without conceding the correctness of the Examiner’s grounds for rejection. As the Examiner has indicated that the claims amended as shown above are free of the prior art of record, Applicant respectfully submits that the rejections have been overcome and respectfully requests withdrawal of the rejections and allowance of the claims.

**CONCLUSION**

Entry of this Amendment is respectfully requested.

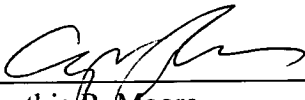
Applicant respectfully submits that the application is in condition for allowance. An early and favorable action on the merits is earnestly solicited.

If the Examiner has any questions concerning this communication, or would like to discuss the application, the art, or other pertinent matters, he is welcome to contact the undersigned attorney at (650) 565-8185.

Respectfully submitted,

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By:

  
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